



# House of Representatives

## File No. 648

General Assembly

February Session, 2016

**(Reprint of File No. 357)**

Substitute House Bill No. 5482  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 14, 2016

### **AN ACT CONCERNING BUILDING PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-265 of the general statutes is amended by  
2 adding subsection (c) as follows (*Effective October 1, 2016*):

3 (NEW) (c) Nine years from the date of issuance of a building permit  
4 issued pursuant to section 29-263 for construction or alteration of a  
5 one-family dwelling, two-family dwelling, or structure located on the  
6 same parcel as a one-family dwelling or two-family dwelling, for  
7 which construction or alteration a certificate of occupancy, as defined  
8 in the regulations adopted under section 29-252, has not been issued  
9 by the building official, such building permit shall be deemed closed  
10 by operation of law. Thereafter, no enforcement action based upon the  
11 building permit being open shall be commenced. No municipality or  
12 officer or employee of any municipality shall have liability with  
13 respect to any building permit closed by operation of law pursuant to  
14 this section. For the purposes of this section, "structure" has the same  
15 meaning as in the zoning regulations for the municipality in which the

16 building permit was issued, or if undefined by such regulations,  
17 "structure" means any combination of materials that is affixed to the  
18 land, including, but not limited to, a shed, garage, sign, fence, wall,  
19 pool, patio, tennis court or deck.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	29-265

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Various Municipalities	Revenue Loss/Savings	Potential	Potential

### ***Explanation***

The bill automatically closes out open building permits after nine years. To the extent that this precludes any cost or any collection of fees associated with closing a building permit, there is a potential revenue loss or savings to municipalities.

For example, a municipality which charges a fee for a certificate of occupancy (such a certificate is currently required to close out all building permits) would experience a revenue loss if certain open building permits were closed automatically.

House "A" makes a clarifying change which has no fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of building permits automatically closed out.

**OLR Bill Analysis****sHB 5482 (as amended by House "A")\******AN ACT CONCERNING BUILDING PERMITS.*****SUMMARY:**

This bill automatically closes open building permits nine years after a municipality issues them if a certificate of occupancy has not been granted. The automatic closure applies to open building permits to construct or alter one- and two-family dwellings or structures located on a parcel with such a dwelling. Under the bill, "structure" has the same meaning as it does in the permit-issuing municipality's zoning regulations. If not defined locally, the bill defines a "structure" as any combination of materials that is affixed to land, including a shed, garage, sign, fence, wall, pool, patio, tennis court, or deck.

Under the bill, automatic closure serves as a bar to enforcement actions based on the open building permit. Municipalities and their officers and employees are not liable with respect to an automatically closed building permit.

\*House Amendment "A" makes a technical correction.

EFFECTIVE DATE: October 1, 2016

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea    20        Nay   0        (03/14/2016)